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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/760,145

01/12/2001

Bill J. Bonnstetter

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10/19/2006

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DES MOINES, IA 50309-2721

EXAMINER

MOORTHY, ARAVIND K

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/760,145	BONNSTETTER ET AL.	
	Examiner	Art Unit	
	Aravind K. Moorthy	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 and 31-40 is/are allowed.
- 6) ☒ Claim(s) 1-27, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the appeal brief filed on 12 July 2006.
2. Claims 1-40 are pending in the application.
3. Claims 28 and 31-40 have been allowed.
4. Claims 1-27, 29 and 30 have been rejected.

Response to Arguments

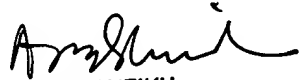
5. In view of the appeal brief filed on 12 July 2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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6. Applicant's arguments with respect to claims 1-27, 29 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-18, 22, 25-27, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linton U.S. Patent No. 6,282,404 B1 in view of Morisawa et al U.S. Patent No. 5,537,544.

As to claim 1, Linton discloses a method of evaluation or assessment of persons, jobs, or employees comprising:

(a) assigning a password for a respondent [column 9 line 66 to column 10 line 34];

(c) providing an assessment instrument respondent after verification of password [column 10 line 35 to column 11 line 12];

(d) receiving responses from the respondent the assessment instrument [column 10 line 35 to column 11 line 12];

(e) processing the responses into an assessment report [column 10 line 35 to column 11 line 12];

(f) sending the assessment report to one more locations authorized by the set permissions associated with the password [column 10 line 35 to column 11 line 12].

Linton does not teach (b) initializing a set of permissions relative to the password.

Morisawa et al teaches initializing a set of permissions relative to a password [column 6, lines 21-49].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Linton so that the assigned password would have had a set of permissions relative to the password.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Linton by the teaching of Morisawa et al because it gives the password a functional range based on the type of password [column 2 line 57 to column 3 line 3].

As to claim 2, Linton teaches managing distribution of documents including assessment instruments, over a wide area network [column 5, lines 57-65].

As to claim 3, Linton teaches that the wide area network is in a global computer network [column 5, lines 57-65].

As to claim 5, Morisawa et al teaches that the permissions include what can be accessed, opened, changed [column 8, lines 15-39].

As to claim 6, Linton teaches that the assessment instrument a survey related human performance [column 10 line 35 to column 11 line 12].

As to claim 7, Linton teaches that human performance relates to job performance [column 10 line 35 to column 11 line 12].

As to claim 8, Linton teaches that human performance relates to personal performance [column 10 line 35 to column 11 line 12].

As to claim 9, Linton teaches assigning a password for one or more other entities [column 10 line 35 to column 11 line 12].

As to claim 10, Morisawa et al teaches that the entities are categorized in a hierarchy of different hierarchy levels [column 16, lines 14-62].

As to claim 11, Morisawa et al teaches that each hierarchy level has a set of permissions [column 16, lines 14-62].

As to claim 12, Morisawa et al teaches that the hierarchy levels range from a higher to a lower hierarchy level, and no set of permissions of a lower hierarchy level is broader than any higher hierarchy level [column 16, lines 14-62].

As to claim 13, Linton teaches that there can be simultaneous access by a plurality of authorized entities [column 10 line 35 to column 11 line 12].

As to claim 14, Linton teaches a web site [column 10 line 35 to column 11 line 12].

As to claim 15, Linton teaches that the web site contains an administration site and a survey site [column 10 line 35 to column 11 line 12].

As to claim 16, Linton teaches that a plurality of entities can have simultaneous access [column 10 line 35 to column 11 line 12].

As to claim 17, Linton teaches that the password comprises identifying information and a secured access code [column 10 line 35 to column 11 line 12].

As to claim 18, Linton teaches that the entities are selected from the set comprising a master distributor, a distributor, a client and a respondent [column 3, lines 8-25].

As to claim 22, Linton teaches that the set of permissions associated with a respondent include (a) respond to an assigned assessment instrument [column 10 line 35 to column 11 line 12].

As to claim 25, Linton teaches that the variety of reporting options include (a) an activity report of who responded to assessment instruments, (b) automatic electronic delivery of a report to one more addresses, (c) sorting capabilities, (d) summarizations [column 11, lines 46-65].

As to claim 26, Linton teaches changing options for the permissions via the wide area network [column 5, lines 57-65].

As to claim 27, Morisawa et al teaches that more permissions than are assigned an entity cannot be passed on to another entity [column 3, lines 32-49].

As to claim 29, Morisawa et al teaches that the set of permissions for a given level of rights can not be exceeded by a password associated with a lesser level rights [column 16, lines 14-62].

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linton U.S. Patent No. 6,282,404 B1 and Morisawa et al U.S. Patent No. 5,537,544 as applied to claim 1 above, and further in view of Nagai U.S. Patent No. 6,490,687 B1.

As to claim 4, the Linton-Morisawa combination teaches passwords, as discussed above.

The Linton-Morisawa combination does not teach that the password is useable one time and then invalidated.

Nagai teaches passwords that are useable one time and then invalidated.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Linton-Morisawa combination so that the assigned passwords were usable one time and then invalidated.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Linton-Morisawa combination by the teaching of Nagai because it minimizes the risk that a password will be compromised, the number of login attempts that may be attempted are often limited, so that an attacker cannot keep trying different passwords until successful [column 1, lines 34-41].

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linton U.S. Patent No. 6,282,404 B1 and Morisawa et al U.S. Patent No. 5,537,544 as applied to claim 1 above, and further in view of Kane et al U.S. Patent No. 6,141,778.

As to claim 19, the Linton-Morisawa combination teaches (c) ability to manage reports [column 8, lines 39-51].

The Linton-Morisawa combination does not teach that the set of permissions associated with a master distributor password include (a) ability to create response links and passwords, (b) ability to set up new accounts, (d) ability to change its own and others' account options.

Kane et al teaches the ability to create passwords [column 5 line 64 to column 6 line 16]. Kane et al teaches the ability to set up new accounts [column 5 line 64 to column 6 line 16]. Kane et al teaches the ability to change its own and others' account options [column 7, lines 55-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Linton-Morisawa combination so that the

master distributor's password would have included the ability to create passwords, set up new accounts, manage reports and the ability to change its own and others' account options.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Linton-Morisawa combination by the teaching of Kane et al because it decentralizes control and permits for rapid updates [column 7, lines 55-62].

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linton U.S. Patent No. 6,282,404 B1 and Morisawa et al U.S. Patent No. 5,537,544 as applied to claim 1 above, and further in view of Kane et al U.S. Patent No. 6,141,778.

As to claim 20, the Linton-Morisawa combination does not teach that the set of permissions associated with a distributor password include (a) ability to create response links and passwords, (b) ability to set up new accounts, (d) ability to change its own account options.

Kane et al teaches the ability to create passwords [column 5 line 64 to column 6 line 16]. Kane et al teaches the ability to set up new accounts [column 5 line 64 to column 6 line 16]. Kane et al teaches the ability to change its own account options [column 7, lines 55-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Linton-Morisawa combination so that a distributor's password would have included the ability to create passwords, set up new accounts and the ability to change its own account options.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Linton-Morisawa combination by the teaching of Kane et al because it decentralizes control and permits for rapid updates [column 7, lines 55-62].

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11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linton U.S. Patent No. 6,282,404 B1 and Morisawa et al U.S. Patent No. 5,537,544 as applied to claim 1 above, and further in view of Kane et al U.S. Patent No. 6,141,778.

As to claim 21, the Linton-Morisawa combination does not teach that the set of permissions associated with a client include (a) ability to create response links and passwords, (b) ability to manage reports, (c) ability change account options.

Kane et al teaches the ability to create passwords [column 5 line 64 to column 6 line 16]. Kane et al teaches the ability to set up new accounts [column 5 line 64 to column 6 line 16]. Kane et al teaches the ability to change its own account options [column 7, lines 55-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Linton-Morisawa combination so that a client's password would have included the ability to create passwords, set up new accounts and the ability to change its own account options.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Linton-Morisawa combination by the teaching of Kane et al because it decentralizes control and permits for rapid updates [column 7, lines 55-62].

12. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linton U.S. Patent No. 6,282,404 B1 and Morisawa et al U.S. Patent No. 5,537,544 as applied to claim 1 above, and further in view of Cohen-Levy et al U.S. Patent No. 5,423,034.

As to claims 23, the Linton-Morisawa combination does not teach that the step of sending the reports includes a variety of reporting options. The Linton-Morisawa combination does not teach that the variety of options includes (a) to whom the report will be sent, (b) when they will be sent, (c) what will be in the report, (d) what form it will be sent.

Cohen-Levy et al teaches a step of sending documents that includes a variety of sending options. Cohen-Levy et al teaches that the variety of options includes (a) to whom the document will be sent, (b) when they will be sent, (c) what will be in the document, (d) what form it will be sent.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Linton-Morisawa combination so that there would have been a variety of reporting options. The options would have included (a) to whom the report will be sent [column 15, lines 55-66], (b) when they will be sent [column 19, lines 50-56], (c) what will be in the report [column 20, lines 40-57], (d) what form it will be sent [column 20, lines 8-25].

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Linton-Morisawa combination by the teaching of Cohen-Levy et al because it ensures that the appropriate receiver obtains the copy of the report. It ensures that the report will be sent when it has been completed and it gives the user the option of sending it in hard copy or electronic form [column 13, lines 3-61]

Allowable Subject Matter

13. Claims 28 and 31-40 are allowed.


As to independent claims 28, 35 and 40 prior art does not disclose, teach or suggest a password having a set of permissions correlated to a respondent for an assessment survey which gauges an individual potential employee's suitability with regards to a particular job, an individual existing employee's suitability or performance, with regards to a particular job, or an individual boss's performance with regards to a particular job.

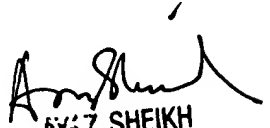
Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy 
October 16, 2006


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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